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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

FIDELITY EXPLORATION & PRODUCTION COMPANY,)	CV-04-100-BLG-RFC
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA, et al.,)	
)	
Defendant.)	
_____)	

October 17, 2005, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation on Defendants' Motion to Dismiss. Magistrate Judge Anderson recommended that this Court Grant Defendants' Motion.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). Plaintiff filed their objections to Magistrate Judge

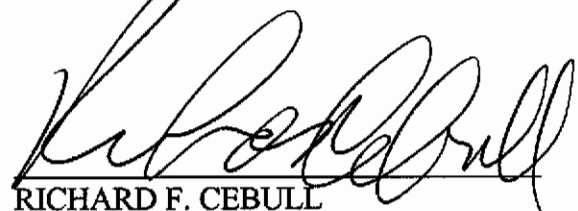
Anderson's Findings and Recommendations on November 28, 2005, and Defendants responded to the objections on January 13, 2006. Plaintiff's objections are not well taken.

After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Anderson are well grounded in law and fact and HEREBY ORDERS they be adopted in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss [*doc.* #22] is **GRANTED**.

The Clerk of Court shall notify the parties of the making of this Order.

DATED this 23rd day of January, 2006.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

DATE: 1/23/06 BY: _____

I hereby certify that a copy
of this order was mailed to:

V. Metropoulos
D. Hupp
J. Whiteman
J. Rodriguez
S. Woodledge
S. Miskindis
P. Miller